

LINDA HERION,

Plaintiff,

vs.

SEYMOUR R-II SCHOOL DISTRICT,

May be served to
Bruce Denney, Superintendent
625 East Clinton Avenue
Seymour, MO 65746

Defendant.

COMES NOW Plaintiff, by and through counsel, and for her Complaint, states as follows:

1. Plaintiff is citizen of the state of Missouri and the United States of America.
2. Defendant, Seymour R-II School District (hereinafter “SSD”), is a nonprofit corporation in the State of Missouri which may be sued and served through its Superintendent, Bruce Denney, at 416 E. Clinton Ave., Seymour, Missouri 65746.
3. Bruce Denny is the Superintendent of SSD who was directly acting in the interest of Defendant Seymour R-II School District at all times pertinent to this Complaint.
4. Brian Wilbanks was the High School Principal of SSD who was directly acting in the interest of Defendant Seymour R-II School District at all times pertinent to this Complaint.

5. Plaintiff was and is employed as a teacher of Family Consumer Science in the Seymour High School.
6. Plaintiff was and is an excellent teacher of the Seymour R-II School District.
7. On information and belief, the District received and had knowledge of reports and inappropriate conduct of Brian Wilbanks toward female employees, staff or students, including a report made by Cathy Rahder.
8. The information known the District was such that an investigation and findings should have been made were there to occur compliance with Board Policy and Regulation 4810 prohibiting discrimination, sexual harassment and hostile environment for females as gender.
9. On information and belief, Bruce Denney nor the board had taken action to comply with Board Policy and Regulation 4810 as to the reports and information of alleged inappropriate conduct of Brian Wilbanks toward female employees, staff and students.
10. With this background, in the fall of 2017 plaintiff made reports to administration of inappropriate misconduct of Brian Wilbanks within Board Policy and Regulation 4810 prohibiting discrimination, sexual harassment and hostile environment toward females as a gender.
11. An investigation and findings as to plaintiff's reports, per Board Policy and Regulation 4810, would have disclosed the failure by Superintendent Denney and the Board to comply with Board policy, as well as the existence of other reports and of inappropriate misconduct toward other females of the District.

12. Defendant, through its agents, decided to take written disciplinary action in the form of a Notice of Deficiency toward plaintiff, placing her on probation and threatening termination all in retaliation for making her reports instead of complying with Board Policy and Regulation.
13. Plaintiffs' reports of conduct in violation of Board Policy and Regulation 4810 were a determining and motivating factor in Bruce Denney and Brian Wilbanks taking disciplinary action against plaintiff.
14. Plaintiff was an 'employee' within the meaning of Title VII, 42 U.S.C. Sec. 2000e, et seq.
15. Defendant is an 'employer' within the meaning of Title VII, 42 U.S.C. Sec. 2000e, et seq.
16. With respect to the unlawful employment practices, a Charge of Discrimination was filed with the Equal Opportunity Commission. Attached hereto **Exhibit A** is a true and accurate copy of the Charge of Discrimination made part hereof by reference as to the facts set forth therein.
17. With respect to the Charge of Discrimination, Plaintiff was issued a Right to Sue letter by the EEOC, informing her of her right to pursue independent legal action and this action is filed in a timely manner within 90 days of receipt of the Right to Sue. Attached hereto **Exhibit B** is a true and accurate copy of the Right to Sue.
18. Defendants engaged in unlawful employment practices, as set forth herein, against Plaintiff in violation of Title VII 42 U.S.C. Sec. 2000e-3, *et seq* in that Plaintiff voiced opposition to inappropriate misconduct towards females as a gender, sexual harassment and hostile environment.

19. Defendant's actions, as set forth herein, were acts of retaliation motivated by plaintiff's protected activities in having reported sexual harassment and hostile environment, said retaliatory actions which Defendants knew such actions were unlawful. The actions of Defendant were intentional, willful and calculated toward Plaintiff and constituted willful violations of Title VII 42 U.S.C. Sec. 2000e-3, *et seq*
20. Plaintiff has suffered physical and mental pain, anguish and distress by Defendant's unlawful practices in violation of Title VII 42 U.S.C. Sec. 2000e-3, *et se*.

WHEREFORE, Plaintiff prays the Court:

- A. Adjudge and decree that Defendant discriminated/retaliated against Plaintiff, and that said actions by Defendant were willful violations of the Act;
- B. Order Defendant to make Plaintiff whole for the loss of income she has suffered as a result of Defendant's unlawful employment practices, including back pay from the time of the unlawful discrimination, wage increases and reimbursement of any lost fringe benefits, Social Security contributions, front pay, and all other monetary compensation, including prejudgment interest, for injuries and damages suffered by Plaintiff;
- C. Award Plaintiff attorney's fees, costs and all other relief afforded under Title VII 42 U.S.C. Sec. 2000e-3, *et seq* and;
- D. For all other relief the Court deems just and proper.

JURY DEMAND

Plaintiff requests a trial by jury.

/s/Jay Kirksey

Jerry M. (Jay) Kirksey

Missouri Bar No. 38643

Attorney for Plaintiff

KIRKSEY LAW FIRM, L.L.C.

711 S. Albany Avenue

Bolivar, Missouri 65613-2619

Telephone 417.326.4529

Facsimile 417.326.8531

jmkirksey@kirkseylawfirm.com